

Exhibit 4

to

**Kelley Drye & Warren LLP's Opposition to
Quanta Resources Corporation's Motion to Compel**

3/6/2014

Phoenix Beverage, Inc., et al. v. Exxon Mobil Corp., et al.

Eugene Prashker

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PHOENIX BEVERAGES, INC.,	RODB LLC,)
WINDMILL DISTRIBUTING COMPANY, L.P.,)	
UP FROM THE ASHES, INC., and other)	
affiliated companies of PHOENIX)	
BEVERAGES, INC.,)	Case No.
)	
	Plaintiffs,) 1:12-CV-03771
v.)	(JKC)(JO)
)	
EXXON MOBIL CORPORATION,	EXXONMOBIL)
RESEARCH AND ENGINEERING COMPANY and)	
QUANTA RESOURCES CORPORATION,)	
)	
	Defendants.)
)	

Continued Fed.R.Civ.P. (30)(b)(6)
video deposition of
Eugene I. Prashker, Volume II
March 6, 2014 - 9:43 a.m.

DIGITAL EVIDENCE GROUP
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Washington, DC 20036
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1 North Capasso.

2 Is that correct?

3 A. That's correct.

4 Q. And do you agree with me that the
5 amount of LNAPL indicated for Quanta is the
6 largest of the three numbers indicated?

7 A. That's what it indicates.

8 Q. And that the number for Phoenix is the
9 smallest number indicated of the three
10 properties?

11 A. That's what it says.

12 Q. And that North Capasso is the middle
13 of those three numbers for the three properties.

14 Is that right?

15 A. That's correct.

16 Q. I'm wondering if the publication of
17 this report by Golder in 2005 is the first time
18 that Quanta Resources understood that LNAPL from
19 the tank farm on the Review Avenue site had
20 migrated to other properties.

21 MR. REITER: Objection.

22 Objection to form.

1 And this calls for expert testimony.

2 And it misstates what the Golder
3 report says.

4 A. Could you repeat the question?

5 Q. I'm just trying to figure out when in
6 time Quanta Resources realized that
7 contamination from its property had migrated to
8 other properties.

9 Was this the moment?

10 MR. REITER: Same objection as before.

11 A. I don't believe that Quanta realizes
12 to this date that that's the case.

13 Q. Why do you say that?

14 MR. REITER: Objection, calls for
15 expert testimony.

16 You can answer.

17 A. It just is talking about what -- the
18 data that they have assembled is summarized
19 herein.

20 (Pause)

21 A. And it says that -- if that's the
22 case, it says that the LNAPL on the Quanta

1 Resources property was removed 23 years ago.

2 Q. Where are you reading, Mr. Prashker?

3 A. It is page 89 at the top.

4 (Pause)

5 Q. That says the sources were removed,
6 not that the LNAPL itself was removed.

7 A. No, that's what I said.

8 The sources -- and since the facility
9 was decommissioned in '82 -- well, so that's 23
10 years after '82 --

11 (Pause)

12 Q. Do you see the next sentence that
13 says: The following discusses --

14 A. -- the general distribution -- that's
15 correct.

16 Q. -- of the LNAPL at and in the vicinity
17 of the Quanta Resources property?

18 A. That's correct.

19 Q. So let me ask you the question this
20 way.

21 You have been designated for this

22 30(b)(6) --

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1 A. Yes.

2 Q. -- to answer questions on behalf of
3 Quanta Resources with respect to topic No. 13 --
4 which is when and how Quanta became aware of the
5 migration of contaminants of concern and/or
6 hazardous substances from the Quanta site to any
7 other property.

8 My question to you is: When did
9 Quanta become aware of the migration of
10 contaminants of concern and/or hazardous
11 substances from the Quanta site to any other
12 property?

13 A. And I'm saying that: Quanta, to this
14 day, does not know that there was migration from
15 its site to other property.

16 Q. So in Quanta's view, this report is
17 not enough to have made Quanta aware that there
18 is migration from its property to other
19 properties.

20 Is that what you are telling me?

21 MR. REITER: Objection.

22 You can answer.